



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,514	09/29/2000	Bruce Votipka	10002229-1	1757

7590 01/29/2004
Hewlett Packard Company
Intellectual Property Administration
P O Box 272400
Fort Collins, CO 80527-2400

EXAMINER

SAFAIPOUR, HOUSHANG

ART UNIT PAPER NUMBER

2622

DATE MAILED: 01/29/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/675,514

Applicant(s)

VOTIPKA ET AL.

Examiner

Houshang Safaipour

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's amendment was received on October 31, 2003, and has been entered and made of record.

Response to Arguments

Applicant's arguments filed on October 31, 2003 have been fully considered but they are not persuasive.

The following is the response to applicant's arguments regarding claims 1, 7, 8, 13, 14 and 18-20 which were rejected as being unpatentable over Akiba (U. S. Patent No. 6,559,967).

Applicant argues that Akiba fails to disclose that the first setting be preserved for subsequent use until changed by a user. Examiner disagrees. Akiba discloses that the user may change the original mode (set by the host computer) by pressing the appropriate buttons on the operation unit and may return the mode to the original mode by pressing the renewed button (please refer to abstract and also col. 24, lines 34-61).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Art Unit: 2622

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Akiba et al. (U.S. Patent No. 6,559,967).

Regarding claim 1, Akiba et al discloses an image display orientation control apparatus for use with scanner apparatus and display apparatus operatively associated with the scanner apparatus, comprising:

a first setting, said first setting causing an image of an object scanned by said scanner apparatus to be displayed on said display apparatus in a first orientation, said first setting being preserved for subsequent uses of said scanner apparatus until changed by a user (col. 9, lines 46-50 and col. 6, lines 57-64); and

a second setting, said second setting causing said image to be displayed on said display apparatus in a second orientation, said second setting being preserved for subsequent uses of said scanner apparatus until changed by said user (col. 9, lines 46-50 and col. 6, lines 57-64).

Regarding claim 2, Akiba et al discloses the image display orientation control apparatus of claim 1, wherein said first orientation comprises a portrait orientation, and wherein said second orientation comprises a landscape orientation (col. 9, lines 46-50).

Regarding claim 3, Akiba et al discloses the image display orientation control apparatus

Art Unit: 2622

of claim 1, further comprising a switch operatively associated with said image display orientation control apparatus, said switch allowing said user to select between said first setting and said second setting (fig. 9, col. 9, lines 46-50).

Regarding claim 4, Akiba et al discloses the image display orientation control apparatus of claim 3, wherein said switch is mounted to said scanner apparatus (fig. 9, col. 9, lines 46-50).

Regarding claim 5, Akiba et al discloses the image display orientation control apparatus of claim 3, wherein said switch is implemented as a user selectable interface that is displayed on said display apparatus (fig. 9, col. 9, lines 46-50).

Regarding claim 6, Akiba et al discloses the image display orientation control apparatus of claim 1, further comprising an image data processing system (CPU 171) operatively associated with said scanning apparatus (scanner 202) and said display apparatus (computer 1000), said image data processing system receiving an image data signal produced by said scanner apparatus that is representative of said object, said image data processing system processing said image data signal so that said display apparatus displays the image of said object in said first orientation when said first setting is selected by said user and so that said display apparatus displays the image of said object in said second orientation when said second setting is selected by said user (fig. 9, col. 9, lines 46-50).

Regarding claim 7, Akiba et al discloses an image display orientation control apparatus for use with scanner apparatus and display apparatus operatively associated with the scanner apparatus, comprising a plurality of settings, each of said plurality of settings causing an image of an object scanned by said scanner apparatus to be displayed on said display apparatus in a corresponding one of a plurality of orientations, each of said plurality of settings being preserved

Art Unit: 2622

for subsequent uses of said scanner apparatus until changed by a user (fig. 9, col. 9, lines 46-50).

Regarding claim 8, Akiba et al discloses scanner apparatus, comprising:

a housing having at least one opening therein (copier 100, fig. 1);

a scanning device mounted within said housing (scanner 202, col. 3, lines 53-58);

a transparent platen mounted within the at least one opening in said housing, said transparent platen allowing an object positioned adjacent said transparent platen to be scanned by said scanning device (platen 201, col. 3, lines 49-58); and

a switch, said switch allowing a user to select a first setting or a second setting, said first setting causing an image of said object to be displayed on a display apparatus operatively associated with said scanner apparatus in a first orientation, said second setting causing said image to be displayed on said display apparatus in a second orientation, said first setting being preserved for subsequent uses of said scanner apparatus until changed by said user, said second setting being preserved for subsequent uses of said scanner apparatus until changed by said user (fig. 9, col. 9, lines 46-50).

Regarding claim 9, Akiba et al discloses the scanner apparatus of claim 8, wherein said first orientation comprises a portrait orientation, and wherein said second orientation comprises a landscape orientation (fig. 9, col. 9, lines 46-50).

Regarding claim 10, arguments analogous to those presented for claim 6 are applicable to claim 10.

Regarding claim 11 and 12, arguments analogous to those presented for claim 4 and 5 are applicable to claim 11 and 12.

Art Unit: 2622

Regarding claim 13, arguments analogous to those presented for claim 1 are applicable to claim 13.

Regarding claim 14, Akiba et al discloses scanning system, comprising:

scanner apparatus, said scanner apparatus producing an image data signal representative of an object being scanned (scanner 202, col. 3, lines 53-58);

display apparatus operatively associated with said scanner apparatus and responsive to the image data signal, said display apparatus displaying an image of the object (computer 1000); and

image display orientation control apparatus operatively associated with said scanner apparatus and said display apparatus, said image display orientation control apparatus operable in a first setting and a second setting, the first setting causing said display apparatus to display the image of the object in a first orientation, the second setting causing said display apparatus to display the image of the object in a second orientation, the first and second settings of said image display orientation control apparatus being selectable by a user so that the first setting is preserved for subsequent uses of said scanner apparatus when the first setting is selected by the user and so that the second setting is preserved for subsequent uses of said scanner apparatus when the second setting is selected by the user (fig. 9, col. 9, lines 46-50).

Regarding claim 15, Akiba et al discloses the scanning system of claim 14, wherein said first orientation comprises a portrait orientation, and wherein said second orientation comprises a landscape orientation (fig. 9, col. 9, lines 46-50).

Regarding claim 16, Akiba et al discloses the scanning system of claim 14, further comprising a switch operatively associated with said image display orientation control apparatus,

Art Unit: 2622

said switch allowing the user to select between the first setting and the second setting (fig. 9, col. 9, lines 46-50).

Regarding claim 17, arguments analogous to those presented for claim 6 are applicable to claim 17.

Regarding claim 18, arguments analogous to those presented for claim 1 are applicable to claim 18.

Regarding claim 19, Akiba et al discloses a method for controlling image display orientation of scanner apparatus and display apparatus operatively associated with the scanner apparatus, comprising:

providing image display orientation control apparatus operatively associated with said scanner apparatus and said display apparatus, said image display orientation control apparatus operable in a first setting and a second setting, the first setting causing said display apparatus to display an image of an object scanned by said scanner apparatus in a first orientation, the second setting causing said display apparatus to display said image in a second orientation, the first and second settings of said image display orientation control apparatus being selectable by a user so that the first setting is preserved for subsequent uses of said scanner apparatus when the first setting is selected by the user and so that the second setting is preserved for subsequent uses of said scanner apparatus when the second setting is selected by the user (fig. 9, col. 9, lines 47-51);

selecting said first setting so that said display apparatus displays said image in said first orientation (fig. 9, col. 9, lines 47-51);

or, in the alternative, selecting said second setting so that said display apparatus displays

Art Unit: 2622

said image in said second orientation (fig. 9, col. 9, lines 47-51); and

operating said scanner apparatus (scanner 202).

Regarding claim 20, Akiba et al discloses a method for controlling image display orientation of scanner apparatus and display apparatus operatively associated with the scanner apparatus, comprising:

Selecting a first orientation or a second orientation, said first orientation being preserved for subsequent uses of said scanner apparatus until changed by a user, said second orientation being preserved for subsequent uses of said scanner apparatus until changed by the user (fig. 9, col. 9, lines 47-51);

operating said scanner apparatus to scan an object positioned adjacent a scanning bed of said scanner apparatus and to obtain an image data signal representative of said object in said first orientation (scanner 202, col. 3, lines 53-58);

processing said image data signal so that said display apparatus displays an image of said object in said first orientation when said first orientation is selected and so that said display apparatus displays the image of said object in said second orientation when said second orientation is selected (col. 6, lines 9-64);

displaying the image of said object in said first orientation on said display apparatus when said first orientation is selected, or in the alternative (col. 6, lines 9-64);

displaying the image of said object in said second orientation on said display apparatus when said second orientation is selected (col. 6, lines 9-64).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (703)306-4037. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles, Sr. can be reached on (703)305-4712. The fax phone numbers for the organization where this application or proceeding is assigned is (703)872-9306 for regular communications and for After Final communications.

Art Unit: 2622

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-0377.

Houshang Safaipoor
Patent Examiner
Art Unit 2622
January 16, 2004


EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600